

*Adjustment of the Shelter Deduction*

Section 13912 of the Mickey Leland Childhood Hunger Relief Act, Chapter 3, Title XIII, Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, enacted August 10, 1993, (the Leland Act) amended section 5(e) of the Food Stamp Act to change procedures for adjusting the excess shelter deduction cap. Prior to the Leland Act, the excess shelter deduction cap was adjusted annually based on changes in the shelter, fuel and utilities components of housing costs in the CPI-U published by BLS. The Leland Act, however, mandated increases in the shelter cap effective July 1, 1994, and October 1, 1995, and an elimination of the cap effective January 1, 1997. The shelter cap amounts effective for Fiscal Year 1995 were announced in a General Notice published in the **Federal Register** on March 14, 1994 at 59 FR 11761, and in a proposed rule on Excess Shelter Expense Limit and Standard Utility Allowances published in the **Federal Register** on November 22, 1994. For the convenience of the reader, however, we are restating those amounts below.

**MAXIMUM SHELTER DEDUCTIONS FOR HOUSEHOLDS WITHOUT ELDERLY OR DISABLED MEMBER**

[Effective 07-01-94 through 09-30-95]

|                        |       |
|------------------------|-------|
| 48 States and DC ..... | \$231 |
| Alaska .....           | 402   |
| Hawaii .....           | 330   |
| Guam .....             | 280   |
| Virgin Islands .....   | 171   |

(7 U.S.C. 2011-2032)

*Adjustment of the Homeless Household Shelter Expense*

Section 11(e)(3)(E) of the Food Stamp Act requires the Secretary to prescribe rules requiring state agencies to develop standard estimates of the shelter expenses that may reasonably be expected to be incurred by households in which all members are homeless but which are not receiving free shelter throughout the month. 7 U.S.C. Sec. 2020(e)(3)(E). In recognition of the difficulty State agencies may face in gathering the necessary information to compute standard shelter estimates for their States, the Secretary offered a standard estimate which may be used by all State agencies in lieu of their own estimates.

In the Deduction and Disaster Provisions from the Mickey Leland Memorial Domestic Hunger Relief Act final rule, published at 56 FR 63613 (December 4, 1991), the Department

stated that it would annually adjust the homeless household shelter expense each October 1 using the same changes in the shelter, fuel and utilities component of the CPI used in indexing the shelter cap. This year's homeless household shelter expense is \$139.

Dated: January 4, 1995.

**Ellen Haas,**

*Under Secretary for Food, Nutrition, and Consumer Services.*

[FR Doc. 95-636 Filed 1-10-95; 8:45 am]

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-549-813]

**Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Canned Pineapple Fruit From Thailand**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** January 11, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Michelle Frederick or John Brinkmann, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482-0186 or 482-5288, respectively.

**PRELIMINARY DETERMINATION:** We preliminarily determine that canned pineapple fruit (CPF) from Thailand is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the "Act") (1994). The estimated margins of sales at less than fair value are shown in the "Suspension of Liquidation" section of this notice.

**Case History**

Since the initiation of this investigation on June 28, 1994 (59 FR 34408), the following events have occurred.

On July 25, 1994, the United States International Trade Commission ("ITC") issued an affirmative preliminary injury determination in this case (see ITC Investigation No. 731-TA-706).

On August 3, 1994, we named the following four companies as the respondents in this investigation: Dole Food Company, Inc., Dole Packaged Foods Company, and Dole Thailand, Ltd. (collectively "Dole"); The Thai Pineapple Public Co., Ltd. ("TIPCO"); Siam Agro Industry Pineapple and

Others Co., Ltd. ("SAICO"); and Malee Sampran Factory Public Co., Ltd. ("Malee"). These four companies accounted for at least 60 percent of the exports of CPF to the United States during the period of investigation (POI) (January through June 1994) (see Memorandum from Team to Richard W. Moreland, dated August 3, 1994). Therefore, in accordance with 19 CFR 353.42(b)(1994), we issued antidumping duty questionnaires to the four companies on August 5, 1994.

Section A of the Department's questionnaire requesting general information concerning the company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all markets was received from the four respondents on September 2, 1994. We analyzed each respondent's home market and third country sales of the subject merchandise in accordance with 19 CFR 353.48(a)(1994), and determined that the home market was not viable for any of the respondents. Germany was selected as the appropriate third country market for all respondents in accordance with 19 CFR 353.49(b)(1994).

On August 10, 1994, Dole requested that the POI be modified to coincide with its fiscal half-year accounting period. We accepted Dole's proposal on August 18, 1994, and modified the POI for Dole to cover that period from January 2, 1994, through June 18, 1994 (see Memorandum from Gary Taverman to Barbara R. Stafford, dated August 18, 1994). The POI was not modified for the other three respondents.

On August 10 and 24, 1994, Dole claimed that for purposes of reporting U.S. sales, it was impossible for the company to distinguish between its pineapple grown and canned in Thailand and its pineapple grown and canned in the Philippines. Therefore, Dole requested that it be allowed to report all of its U.S. sales of CPF, including those of Philippine origin, for each product category. Dole then proposed that an allocation ratio based on 1993 shipments to the United States be applied to determine the share of Thai-origin CPF sold during the POI. By doing so, Dole stated the Department could calculate a less than fair value margin for Dole's U.S. sales of Thai-origin merchandise during the POI based on a ratio of Thai origin to Thai and Philippine origin merchandise.

In addition, Dole requested that it be allowed to exclude all sales of 5.5 ounce cans of crushed pineapple which accounted for an insignificant volume of its U.S. sales. Dole claimed that this

product is a unique product which is not produced by any other canned pineapple producer in the world nor sold by Dole in any other markets. On September 6, 1994, we granted Dole's requests concerning the reporting of its U.S. sales, but reserved our decision on the appropriate methodology for calculating a less than fair value margin for Dole's Thai-origin merchandise until we had an opportunity to review further its submissions (see Memorandum from Gary Taverman to Richard W. Moreland, dated September 6, 1994).

Sections B and C of the Department's questionnaire which request home-market sales listings and U.S. sales listings, respectively, were received from Dole, TIPCO, and SAICO on September 20, 1994. Malee's Section B and C responses were received on September 22, 1994.

Supplemental questionnaires regarding Sections A, B and C of the Department's questionnaire were issued to Dole on October 14, 1994, and to TIPCO, SAICO, and Malee on October 18, 1994.

On October 21, 1994, we received a timely request from Maui Pineapple Company, Ltd. and the International Longshoremen's and Warehousemen's Union (the petitioners) to postpone the preliminary determination until no later than 210 days after the date of the filing of the petition in this investigation, pursuant to 19 CFR 353.15(c)(1994). On October 26, 1994, finding no compelling reason to deny the request, we granted this request and postponed this final determination until January 4, 1995 (59 FR 54546, November 1, 1994).

Dole submitted supplemental responses to Sections A, B and C of the questionnaire on November 4, and December 21, 1994. Supplemental responses from TIPCO, SAICO, and Malee were submitted on November 8, 1994.

On November 21 and 23, 1994, respondents TIPCO, SAICO, and Malee requested that the Department confirm their selection of invoice date as the proper date of sale for all reported sales. We issued a decision on this issue on November 29, 1994 (see Memorandum from Richard W. Moreland to Barbara R. Stafford, dated November 29, 1994). Subsequently, on December 8, 1994, the Department modified this decision (see memoranda to file dated December 5, December 7, and December 8, 1994), and granted respondents' request to use invoice date as the date of sale for all reported sales. This issue is discussed further in the "Date of Sale" section below.

### Cost of Production Allegation

On September 29, 1994, the petitioners alleged that TIPCO, SAICO, and Malee sold the subject merchandise in Germany during the POI at prices below the cost of production (COP). The petitioners filed a similar allegation against Dole on September 30, 1994.

Based upon our analysis of these allegations, we found that there are reasonable grounds to believe or suspect that TIPCO, SAICO, Malee, and Dole sold CPF in Germany at prices which were below the COP. Accordingly, on October 21, 1994, we initiated COP investigations against these four respondents pursuant to section 773(b) of the Act (1994) (see Memorandum from Richard W. Moreland to Barbara R. Stafford, dated October 21, 1994).

Section D of the Department's questionnaire requesting cost of production and constructed value data was issued to the four respondents on November 7, 1994. Dole's Section D response was received on December 19, 1994. Section D responses from TIPCO, SAICO, and Malee were received on December 27, 1994. Because this information was received too late to be considered for purposes of the preliminary determination, we will analyze this data and use it in the final determination to determine whether any of the respondents made third country sales at prices below the COP.

### Postponement of Final Determination

Pursuant to section 735(a)(2)(A) of the Act (1994), Dole requested on January 4, 1995, that in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination until no later than 135 days after the date of publication of an affirmative preliminary determination in the **Federal Register**. Pursuant to 19 CFR 353.20(b) (1994), because our preliminary determination is affirmative and Dole is a significant producer of CPF, and no compelling reasons for denial exist, we are postponing the date of the final determination until the 135th day after the date of publication of this notice in the **Federal Register**.

### Scope of the Investigation

The product covered by this investigation is canned pineapple fruit (CPF). For the purposes of this investigation, CPF is defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits, and crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added.

CPF is currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers CPF packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

### Period of Investigation

As stated above, the POI is January 1, through June 30, 1994, for TIPCO, SAICO, and Malee; and January 2, through June 18, 1994, for Dole (see "Case History" section above).

### Such or Similar Comparisons

We determined that all products covered by this investigation constitute a single category of such or similar merchandise. Where there were no sales of identical merchandise in the third country market to compare to U.S. sales, we made similar merchandise comparisons on the basis of the criteria defined in Appendix V to the antidumping questionnaire, on file in Room B-099 of the main building of the Department of Commerce.

In accordance with 19 CFR 353.58(1994), we made comparisons at the same level of trade, where possible. Where we were not able to match sales at the same level of trade, we made comparisons without regard to the level of trade.

Dole stated that its various customers categories (*i.e.*, retail, foodservice and industrial) constituted three separate levels of trade. However, based on information contained in its response, we preliminarily determine that Dole sold CPF to two distinct levels of trade in both the U.S. and German markets. The first level is comprised of sales to customers in the retail and foodservice sectors (Level I); the second is comprised of sales to customers in the industrial sector (Level II).

We have reached this conclusion based on the reported functional differences of Dole's customers. See Import Administration Policy Bulletin 92/1 dated July 29, 1992. Level I customers can be characterized as large national and regional chains which resell CPF to local or independent retail stores or food service outlets. Level II customers can be characterized as companies that use CPF as an ingredient in the production of other food products.

### Date of Sale

TIPCO, SAICO, and Malee requested that the Department determine whether their proposed date of sale methodology (i.e., invoice date) was appropriate based on information contained in their respective questionnaire responses. After an analysis of this information, additional data presented by the respondents concerning this issue, as well as the arguments raised by the petitioners, we instructed TIPCO, SAICO, and Malee to report the original order date as the date of sale unless there was a change to the essential terms of sale (i.e., price and/or quantity) prior to the date of invoicing. For those sales where there was a modification to the price and/or quantity, we asked these respondents to report the invoice date as the date of sale. The invoice date was selected, rather than the actual date of the modification, in order to reduce the administrative burden claimed by respondents in obtaining the actual order modification date.

In response to the Department's instructions, respondents have argued that both the buyer and seller do not consider the terms to be fixed until the date of shipment and that the Department should accept the date of invoice as the date of sale for all sales. The questionnaire responses, which indicate that the contracts or initial agreements do not establish that the terms are binding and that either party can change the order at any time up to the invoice date, support this assertion.

The Department considers the date of sale to be the date upon which all material terms of the contract for sale are set, especially price and quantity (see *General Electric Co. versus United States*, Slip Op. 93-55 at 4 (CIT, April 21, 1993); *Toho Titanium Co. versus United States*, 743 F. Supp. 888, 890 (CIT 1990)). Our review of the record in light of the arguments subsequently presented by the respondents indicates that the material terms of any order can be changed prior to the invoice date. Further, we note that, for a significant number of sales during the POI, price or quantity did change prior to the invoice date. Therefore, upon further examination of the facts of this issue, the Department has determined that the invoice date is the appropriate date of sale for all TIPCO, SAICO, and Malee sales.

### Fair Value Comparisons

To determine whether sales of CPF from Thailand to the United States were made at less than fair value, we compared the United States price ("USP") to the foreign market value

("FMV"), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

As noted in the "Case History" section above, Dole has reported all of its U.S. sales of subject merchandise, including those of Philippine origin, for each product category where Dole had shipments from both Thailand and the Philippines to the United States during 1993. In order to calculate a less than fair value margin based on an estimated quantity of Dole's U.S. sales of Thai-origin merchandise during the POI, we have weighted the dumping margin for each product category by the ratio of the shipments of subject merchandise from Thailand to the total volume shipped from both Thailand and the Philippines during the last seven accounting periods of 1993 (i.e., July 19 through December 31, 1993). We used the July-December accounting periods as the basis for establishing the ratio rather than the entire 1993 period because Dole's average inventory turnover rate is reported to be six to seven months.

For certain U.S. and German market sales, Dole reported its re-sale of subject merchandise purchased from unrelated producers in Thailand. Section 773(a)(1) of the Act (1994) specifies that FMV be calculated based on sales of "such or similar merchandise". The term "such or similar merchandise" is defined by section 771(16) of the Act (1994) as merchandise which is produced in the same country and by the same person as the merchandise which is the subject of the investigation. Therefore, we cannot use sales of CPF produced by persons other than Dole when calculating FMV. Accordingly, we have excluded all of Dole's German sales of subject merchandise it did not produce from our calculation of FMV.

Similarly, in calculating USP, we also determined that it is appropriate to exclude all of Dole's U.S. sales of the subject merchandise it did not produce. However, because we were unable to determine which particular U.S. sales were of merchandise produced by firms other than Dole, we have weighted the dumping margin for each product category identified by Dole. We weighted the dumping margin by applying a ratio of the volume of Dole-produced product to the combined total volumes of Dole-produced and purchased product shipped to the United States during 1993, allowing us to calculate a margin based on an estimated quantity of Dole-produced product. We note that this weighing period is different than that used to weigh Thai- and non-Thai produced merchandise. However, the only information available for purposes of

weighing these sales was for the whole calendar year 1993.

In addition, we preliminarily determined that Dole should have reported as U.S. sales certain shipments made during the POI which Dole claimed were pursuant to a long-term agreement negotiated prior to the POI (see *Toho Titanium Co. versus United States*, 743 F. Supp. 888, 891 (CIT 1990); *General Electric Co. v. United States*, Slip. Op. 93-55 at 4 (CIT, April 21, 1993). Based upon our analysis of the agreement, it appears that the price terms are indefinite and subject to Dole's control. Because these shipments were not reported, we are applying the average of all positive margins to one-half of the maximum quantity specified in the agreement to be purchased during 1994 (i.e., we have divided the yearly maximum quantity in half to correspond to our six-month POI). Dole will be required to report these shipments for the final determination.

### United States Price

For TIPCO, SAICO, and Malee, we based USP on purchase price (PP), in accordance with section 772(b) of the Act (1994), because all of each company's U.S. sales to the first unrelated purchaser took place prior to importation into the United States and exporter's sales price (ESP) methodology, in those instances, was not otherwise indicated.

SAICO failed to report certain U.S. sales in its revised Section C response which we determined to be sales made during the POI. We included these sales, as they were included in SAICO's initial submission of Section C response, and made appropriate adjustments for charges based on the information available (see Concurrence Memorandum, dated January 4, 1995).

For Dole, where sales to the first unrelated purchaser took place after importation into the United States, we based USP on ESP, in accordance with section 772(c) of the Act (1994). For a small number of Dole's U.S. sales which took place prior to importation into the United States, we preliminarily determine USP to be based on ESP because: (1) The merchandise was introduced into the physical inventory of Dole's U.S. warehouses after importation and, thus, was not shipped directly from the cannery in Thailand to the unrelated U.S. customer; (2) all the selling activities associated with Dole's U.S. sales, including these sales, are handled in the United States through Dole's U.S. sales office by unrelated brokers located in the United States; and (3) it appears that Dole's canneries in Thailand have no control over the prices

charged to the U.S. customers. Therefore, because Dole's U.S. sales office acts as more than a processor of sales-related documentation, we consider these U.S. sales to be ESP transactions. (See Final Determination of Sales at Less Than Fair Value: New Minivans From Japan, 57 FR 21937, 21945 (May 26, 1992).

#### **Malee**

For Malee, we calculated PP based on FOB and C&F prices charged to unrelated customers in the United States. We made deductions in accordance with section 772(d)(2)(A) of the Act (1994), where appropriate, for foreign brokerage and handling, foreign inland freight, and ocean freight. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges.

#### **SAICO**

For SAICO, we calculated PP based on FOB prices charged to unrelated customers in the United States. We made deductions in accordance with section 772(d)(2)(A) of the Act (1994), where appropriate, for foreign inland freight, foreign inland insurance, and foreign brokerage and handling. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges.

#### **TIPCO**

For TIPCO, we calculated PP based on FOB and C&F prices charged to unrelated customers in the United States. We made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for rebates. In addition, we made deductions for the following movement expenses in accordance with section 772(d)(2)(A) of the Act (1994): foreign brokerage and handling, port charges, foreign inland freight, and ocean freight. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges and warranty expenses.

#### **Dole**

We calculated Dole's ESP sales based on packed, FOB Dole's warehouse and delivered prices to unrelated customers in the United States. We made deductions in accordance with 19 CFR 353.56(a)(2)(1994), where appropriate, for discounts, rebates, and direct selling expenses including unrelated commissions, credit and warranty expenses. We also made deductions in accordance with 19 CFR 353.41(d)(2)(i) (1994), where appropriate, for foreign brokerage and handling, freight

expenses, U.S. brokerage and handling, U.S. duty and harbor fees. For purposes of this preliminary determination, we considered certain advertising expenses to be direct selling expenses and have deducted them in accordance with 19 CFR 353.56(a)(2)(1994). In addition, we deducted indirect selling expenses, including inventory carrying expenses, market development and warehousing expenses in accordance with 19 CFR 353.56(a)(2)(1994). The "in and out" warehousing expense claimed by Dole as a direct selling expense was reclassified as an indirect selling expense because, based on information on the record, it was not possible to determine that this expense directly applies to the sales under investigation. An amount for revenue Dole earned on certain sales where it charged its customers for special delivery terms was added to USP in order to offset the additional expenses incurred by Dole on the delivery of these sales.

We recalculated Dole's reported credit expenses in instances where Dole had not reported a shipment and/or payment date because the merchandise had not yet been shipped and/or paid for at the time of the filing of this response. For those sales missing both a shipment and payment date, we used the average credit days of all transactions with a reported shipment and payment date. For those sales with a missing payment date only, we inserted the date of the preliminary determination.

We excluded from our analysis Dole's U.S. sales of distressed merchandise because the quantity involved was insignificant and Dole made no comparable third country sales of distressed merchandise during the POI (see Concurrence Memorandum, dated January 4, 1995).

#### **Foreign Market Value**

In order to determine whether there were sufficient sales of CPF in the home market to serve as a viable basis for calculating FMV, we compared each respondents' volume of home market sales of subject merchandise to the volume of third country sales in accordance with section 773(a)(1)(B) of the Act (1994). As noted in the "Case History" section above, we found that the home market was not viable for any of the respondents. We selected Germany as the appropriate third country market for all four respondents in accordance with 19 CFR 353.49(b) (1994).

For each of the respondents, we made adjustments, where appropriate, for physical differences in the merchandise, in accordance with 19 CFR 353.57 (1994). In addition, in accordance with

section 773(a)(1) of the Act (1994), we deducted third country packing costs and added U.S. packing costs for all respondents.

For TIPCO, SAICO, and Malee, we adjusted for differences in commissions in accordance with 19 CFR 353.56(a)(2) (1994) as follows: Where commissions were paid on some third country sales used to calculate FMV, we deducted from FMV both (1) indirect selling expenses attributable to those sales on which commissions were not paid; and (2) commissions. The total deduction was capped by the amount of the commission paid on the U.S. sales in accordance with 19 CFR 353.56(b)(1) (1994). Where no commissions were paid on third country sales used to calculate FMV, in accordance with 19 CFR 353.56(b)(1) (1994), we deducted the lesser of either 1) the amount of the commission paid on the U.S. sale; or 2) the sum of the weighted average indirect selling expenses paid on the third country sales. Finally, the amount of the commission paid on the U.S. sale was added to FMV in accordance with 19 CFR 353.56(a)(2) (1994).

#### **Malee**

For Malee, we calculated FMV based on FOB and C&F prices charged to unrelated customers in Germany. In light of the decision of the Court of Appeals for the Federal Circuit (CAFC) in *Ad Hoc Committee of AS-NM-TX-FL Producers of Gray Portland Cement v. United States*, 13 F.3d 398 (Fed. Cir. 1994), the Department no longer deducts third country movement charges from FMV pursuant to its inherent power to fill in "gaps" in the antidumping statute. Instead, we adjust for those expenses under the circumstance-of-sale provision of 19 CFR 353.56(a) (1994). Accordingly, in the present case, we deducted post-sale third country market movement charges from FMV under the circumstance-of-sale provision. This adjustment included foreign brokerage and handling, foreign inland freight, and ocean freight. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges.

We made a circumstance-of-sale adjustment for differences in credit expenses, pursuant to section 773(a)(4)(B) of the Act (1994) and 19 CFR 353.56(a)(2) (1994).

#### **SAICO**

We based FMV on FOB prices charged to unrelated customers in Germany. We deducted post-sale movement charges from FMV under the circumstance-of-sale provision of 19 CFR 353.56(a)

(1994). The charges included foreign inland freight, foreign inland insurance, and foreign brokerage and handling. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges.

We made a circumstance-of-sale adjustment for differences in credit expenses, pursuant to 19 CFR 353.56(a)(2) (1994). For third-country sales with missing payment dates, we used the date of the preliminary determination of this investigation in order to calculate imputed credit.

#### TIPCO

We based FMV on FOB prices charged to unrelated customers in Germany. We deducted post-sale movement charges from FMV under the circumstance-of-sale provision of 19 CFR 353.56(a) (1994). The charges included foreign inland freight, foreign brokerage and handling, port charges, and liner fees. We also made deductions in accordance with section 773(a)(4)(B) of the Act (1994), where appropriate, for bank charges.

We made a circumstance-of-sale adjustment for differences in credit expenses, pursuant to 19 CFR 353.56(a)(2) (1994).

#### Dole

We calculated FMV based on packed, ex-warehouse, C&F port of import, ex-quay and delivered prices to unrelated customers.

Pursuant to section 773(a)(4)(B) of the Act (1994) and 19 CFR 353.56(a)(2)(1994), we made circumstance-of-sale adjustments for unrelated commissions as well as credit, bank, and merchandising expenses. We deducted post-sale movement charges from FMV under the circumstance-of-sale provision of 19 CFR 353.56(a) (1994). The charges included freight expenses, foreign brokerage and handling, European Community (EC) duty and EC brokerage and handling. For movement expenses where it was not possible to determine from information on the record how the expense directly applies to the sales under investigation (i.e., movement expenses associated with sales made on an ex-warehouse or delivered basis), we assumed all expenses to be indirect selling expenses for purposes of the preliminary determination. We deducted from FMV the weighted-average third country indirect selling expenses including, where appropriate, pre-sale movement expenses, warehousing and inventory carrying costs in accordance with 19 CFR 353.56(b)(2)(1994). In accordance with

19 CFR 353.56(b) (1) and (2) (1994), because commissions were paid in both the United States and third country markets, the deduction for third country indirect selling expenses was capped by the sum of U.S. indirect selling expenses. We recalculated Dole's reported credit expense in instances where Dole had not reported a shipment and/or payment date because the merchandise had not yet been shipped and/or paid for at the time of the filing of this response. For those sales missing both a shipment and payment date, we used the average credit days of all transactions with a reported shipment and payment date. For those sales missing a payment date only, we inserted the date of the preliminary determination.

As noted above, in accordance with sections 773(a)(1) and 771(16) of the Act (1994), we excluded from our analysis certain reported sales of subject merchandise which was not produced by Dole.

#### Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York.

#### Verification

As provided in section 776(b) of the Act (1994), we will verify information used in making our final determination.

#### Suspension of Liquidation

In accordance with section 733(d)(1) of the Act (1994), we are directing the Customs Service to suspend liquidation of all entries of CPF from Thailand, as defined in the "Scope of the Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** (except those that represent sales by Dole). The Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. This suspension of liquidation will remain in effect until further notice.

The weighted-average dumping margins are as follows:

| Manufacturers/producers/exporters | Margin percent    |
|-----------------------------------|-------------------|
| Dole .....                        | 0.30 (De minimus) |
| TIPCO .....                       | 7.81              |
| SAICO .....                       | 9.55              |
| Malee .....                       | 1.12              |
| All Others .....                  | 6.73              |

#### ITC Notification

In accordance with section 733(f) of the Act (1994), we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of the preliminary determination or 45 days after our final determination.

#### Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed.

In accordance with 19 CFR 353.38 (1994), case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than May 1, 1995, and rebuttal briefs no later than May 3, 1995. A hearing, if requested, will be held on May 8, 1995, at the U.S. Department of Commerce in Room 4830. Parties should confirm by telephone the time, date, and place of the hearing 48 hours prior to the scheduled time. In accordance with 19 CFR 353.38(b) (1994), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (1994) and 19 CFR 353.15(a)(4) (1994).

Date: January 4, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-687 Filed 1-10-95; 8:45 am]

BILLING CODE 3510-DS-P

#### [C-201-003]

#### Ceramic Tile From Mexico; Amended Final Results of Countervailing Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Amended Final Result of Countervailing Duty Administrative Review.

**SUMMARY:** On August 8, 1994, the Department of Commerce (the Department) submitted to the Court of International Trade (CIT) the final results of redetermination pursuant to a remand in *Ceramica Regiomontana*,